

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference C10774PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/014651	International filing date (<i>day/month/year</i>) 23 December 2004 (23.12.2004)	Priority date (<i>day/month/year</i>) 05 March 2004 (05.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MARS INCORPORATED			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet.																								
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																									
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 40%;">Box No. I</td> <td style="width: 50%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 05 September 2006 (05.09.2006)</p> <p>Authorized officer Agnes Wittmann-Regis</p> <p>e-mail: pt06@wipo.int</p>
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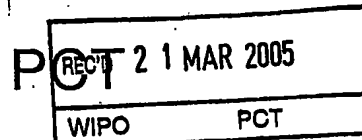
PATENT COOPERATION TREATY

CORRECTED VERSION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/014651

International filing date (day/month/year)
23.12.2004

Priority date (day/month/year)
05.03.2004

International Patent Classification (IPC) or both national classification and IPC
A01K1/01

Applicant
MARS INCORPORATED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/014651

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/014651

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4-11
	No: Claims	1-3, 12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

The present set of claims, containing untranslated German wording and expressions, was construed as follows (Art. 6 PCT):

- "1. An insert (1) which can be placed in a lower part (5) of a cat lavatory and is replaceable, characterised in that the blank of the insert (1) is substantially rectangular, the corners (7) of the insert (1) being sloped.
2. The insert as claimed in Claim 1, characterised in that the insert is a pouch (6).
3. The insert as claimed in either of Claims 1 or 2, characterised in that the blank of the insert (1) is substantially rectangular or square.
4. The insert as claimed in any of the preceding claims, characterised in that each slope, beginning at the corresponding corner (7) of the insert, accounts for about 1/5 the length of the associated transverse side (2) and for about 2/7 the length of the associated longitudinal side (3) the insert (1).
5. The insert as claimed in any of the preceding claims, characterised in that the insert (1) is capable of being opened in such a way that its edge portion (9) which is at the top after it has been inserted into the lower part (5) is capable of being folded outwards and over the upper peripheral rim of the lower part and of being folded together after the end of its period of use, so that it can be re-sealed.
6. The insert as claimed in any of the preceding claims, characterised in that the insert (1) comprises an insert of non-woven material (4).
7. The insert as claimed in Claim 6, characterised in that the insert of non-woven material (4) comprises a highly absorbent, odour-inhibiting and scratch-resistant material.
8. The insert as claimed in Claim 6 or 7, characterised in that the insert of non-woven material (4) has a shape with external dimensions which correspond substantially to the internal dimensions of the lower part.
9. The insert as claimed in any of claims 6 to 8, characterised in that a layer (10) of litter material is disposed on the insert of non-woven material.
10. The insert as claimed in any of the preceding claims, characterised in that the insert (1) is vacuum-packed before use.
11. The insert as claimed in any of the preceding claims, characterised in that at least a closure means, preferably an adhesive strip, a tape or a clip (11), is provided, for

resealing the insert (1) after use.

12. Cat lavatory with a lower part, in which the insert of any of the claims 1 to 11 is placed."

Reference is made to the following documents:

D1: DE-A-2754620

D2: WO-A-02/071837

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1 and 12 and of dependent claims 2 and 3 is not new in the sense of Article 33(2) PCT:

Document D1 discloses, see the whole document and particularly claims 1 and 3, a insert (1) in the form of a pouch, which can be placed in a lower part of a cat lavatory and is replaceable. The blank of the insert (1) is substantially rectangular, the corners (1e) of the insert (1) being sloped ("schräg abgetrennt").

From the above it appears that all the features of claims 1 to 3 and 12 are known from this one document D1 at least by implication and the subject matter of said claims can therefore not be regarded as new.

The dependent claims 4 to 11 relate to minor constructional and technical features which are partly if not wholly revealed in the prior art quoted in the search report, see document D2 and the corresponding passages cited in the search report, or which form part of the normal consideration of the person skilled in the art, i.e. they are, particularly for claim 4, the result of routine engineering and do not constitute an inspired design. Therefore the dependent claims 4 to 11 do not appear to contain any additional features which involve an inventive step when combined with the subject matter of any claim to which they refer.